

Amendment dated: December 1, 2003

Application Serial No.: 09/460,708

Attorney Docket No. 23453-012

In Response to Office Action mailed July 29, 2003

REMARKS

A. ***Claim Objections/Claim Numbering***

In the Specification as-filed, the numbering of the claims was not in accordance with 37 C.F.R. §1.126. As noted by the Examiner in the Office Action (at pg. 2, ¶'s 1-3), claims 6-8 were never presented, and a second occurrence of claims 36-44 erroneously appeared after claim 45. Applicants apologize for any confusion the mis-numbering may have caused. To simplify prosecution going forward, Applicants have cancelled all pending claims and have added new claims commencing with claim 55.

In the Office Action, at pg. 2, ¶1, the Examiner indicated that “*Claims 1-5, 9-45, and 36-44 (repeated at end of claims) have been examined.*” Because the Examiner did examine the second occurrence of claims 36-44 on the merits, Applicants submit that, if numbered properly, the second occurrence of claims 36-44 should have been numbered 46-54. As such, the newly added claims have been added commencing with claim 55.

In summary, in response to the Office Action mailed **July 29, 2003**, claims 1-5, 9-45, and the second occurrence of claims 36-44 erroneously presented after claim 45 (which should have been numbered 46-54) have been cancelled without prejudice or disclaimer, and claims 55-62 have been newly added. Claims 6-8 were never presented. Therefore, claims 55-62 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

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B. *Information Disclosure Statement*

Applicants are submitting herewith an Information Disclosure Statement ("IDS"), and wish to note that they became aware of the references cited in this IDS through a number of sources. For example, a number of references were brought to Applicants' attention through re-examination proceedings involving one or more patents issued to Microstrategy, Inc., the assignee of the above-referenced application. In addition, many references became known to Applicants via their citation by Examiners in co-pending applications, which someone could argue are therefore material to the above-referenced application.

Applicants recognize that this is voluminous and apologize for any burden this places on the U.S. Patent Office. However, these references have been cited in an abundance of caution to err on the safe side in connection with complying with the duty of disclosure.

Examiner Wilbert L. Starks is thanked for the courtesies extended to Applicants' representative (Mr. Blaise) during a telephone conference on Monday November 3, 2003. During this conference, Examiner Starks agreed to receive the references cited in this I.D.S. as *.pdf files on a CD-ROM in lieu of two or more boxes of paper copies.

C. *Specification*

The Specification has been amended to include related application data, and to correct minor typographical errors. In particular:

- (1) The Specification has been amended to recite that reference characters 182, 1821, and 1822 are illustrated in FIG. 3c.

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- (2) The Specification has been amended to replace the incorrect "928" reference character with the proper "93" reference character.
- (3) The Specification has been amended to add reference to item 140, which is illustrated in FIG. 1a.
- (4) The Specification has been amended to add reference to items 230 and 240, both of which are illustrated in FIG. 1b.
- (5) The Specification has been amended to add reference to item 183.
- (6) The Specification has been amended to add reference to item 949.

Applicants submit that the changes to the Specification described above do not constitute the addition of new matter, as support for the instant amendments is provided throughout the as-filed Specification and drawing figures. Accordingly, Applicants respectfully request that the Examiner approve the changes to the Specification.

D. *Drawings*

The three (3) attached sheets of drawings in APPENDIX A reflect the following changes to FIGS. 3A, 3B, & 6B:

- (1) FIG. 3a has been amended to add reference character "100," support for which may be found in the Specification at, for example, page 55, line 21.
- (2) Item 633 has been changed to "1633" in FIG. 3b.
- (3) FIG. 6b has been amended to change duplicate reference character "924" to reference character "923."

Applicants submit that the changes to the drawing figures described above do not constitute the addition of new matter, as support for the instant amendments is provided

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throughout the as-filed Specification. Accordingly, Applicants respectfully request that the Examiner approve the changes to the drawing figures.

E. ***Rejections Under 35 U.S.C. §102***

Claims 1-5, 9-45, and 36-44 (repeated at end of claims) stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Emnett, Keith, *Synthetic Audio Newscast*, The MIT Media Laboratory, December 1998, pp.1-2 (hereinafter “EMNETT”). See Office Action, pg. 3, ¶5. Although Applicants disagree with the rejections set forth by the Examiner, the cancellation of claims 1-5, 9-45, and the second occurrence of claims 36-44 has rendered the rejections moot.

With regard to newly added claims 55-62, independent claims 55 and 59 recite various features that are neither disclosed nor suggested by EMNETT. As but one example, EMNETT fails to disclose or suggest at least the feature of presenting output to at least one user from a personalized markup document during an outbound communication, and enabling the at least one user to respond to the output in real-time during the outbound communication by responding to one or more prompts presented from the personalized markup document.

For *at least* this reason, Applicants submit that EMNETT fails to disclose or suggest all of the limitations of independent claims 55 and 59. Accordingly, Applicants further submit that dependent claims 56-58, and 60-62 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

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CONCLUSION

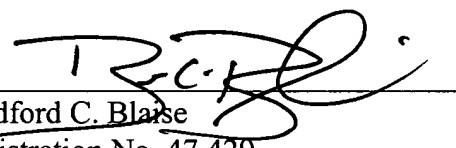
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: December 1, 2003

By:



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